

IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION

UNITED STATES OF AMERICA       )  
  )  
vs.                                        ) CR. NO. 3:07-CR-150-MHT  
  )  
BENJAMIN SHANE FOSTER        )

**ORDER**

Pursuant to the Government's *Motion to Consolidate Plea Hearings* (Doc. #27) and Defendant's *Notice of Intent to Change Plea* (Doc. # 26) and for good cause, it is hereby

**ORDERED** that the *Motion to Consolidate Plea Hearings* be and is hereby **GRANTED**. It is further

**ORDERED** that the defendant's change of plea hearing be and is hereby set for **April 4, 2008, at 10:00 a.m., in Courtroom 4B**, at the United States Courthouse Complex, One Church Street, Montgomery, Alabama.

The Clerk is **DIRECTED** to provide a court reporter for this proceeding. The United States Marshal or the person having custody of the defendant shall produce the defendant for the proceeding.

Counsel for the defendant is **DIRECTED** to confer with the defendant prior to the proceeding set in this order and (1) advise the defendant about the Sentencing Guidelines and that while the Sentencing Guidelines are no longer mandatory the Guidelines remain an important factor which the court will consider in determining a reasonable sentence;

(2) advise the defendant that in addition to the Guidelines, in determining a reasonable and appropriate sentence, the court will consider the sentencing factors set forth in 18 U.S.C. § 3553(a), and (3) explain to the defendant each of those factors specifically including (a) the nature and circumstances of the offense and the history and characteristics of the defendant; (b) the need to reflect the seriousness of the offense, to promote respect for the law, and to provide just punishment for the offense; (c) the need for deterrence; (d) the need to protect the public; (e) the need to provide the defendant with needed educational or vocational training or medical care; (f) the kinds of sentences available; (g) the need to avoid unwanted sentencing disparities; and (h) the need to provide restitution to victims.

Done this 27<sup>th</sup> day of March, 2008.

/s/Charles S. Coody  
CHARLES S. COODY  
CHIEF UNITED STATES MAGISTRATE JUDGE